

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1-2, 8, 11, 14-15, and 17 have been amended. Claims 9-10 and 16 have been cancelled. Claims 1-8, 11-15, and 17 are pending and under consideration. This amendment is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; and the amendment does not significantly alter the scope of the claims and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Rejections under 35 U.S.C. § 102

In the Office Action, at pages 2-4, numbered paragraphs 2-6, claims 1-3, 6-9, and 11-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Meyer et al. (U.S. Patent No. 6,826,715).

Meyer et al. does not discuss or suggest “a first obtaining part which obtains configuration information, of hardware and software of terminals, sent from said terminals through said network,” “a second obtaining part which obtains configuration information of hardware and software of a failed terminal which is associated with failure information which is sent from said failed terminal through said network, or, which obtains configuration information of hardware and software of said failed terminal by identifying the newest configuration information of hardware and software of said failed terminal which is stored in said storing part,” and “wherein the remote maintenance apparatus can simultaneously manage configuration

information of hardware and software of a plurality of terminals,” as recited in amended claim 1. In other words, the invention of claim 1 allows for the *simultaneous* management of configuration information of hardware and software of a *plurality of terminals* because the configuration information is obtained *through a network*. Furthermore, since configuration information can be managed simultaneously, a common failure or deficiency among each of the terminals on the network can be addressed in a single action at the time of the failure. In contrast, Meyer et al., as relied on by the Examiner, only provides for the management of computer configuration data of a *single computer terminal* at a given time and the management is initiated *only upon the running of a diagnostic program by a user at the computer terminal*. As such, the failure of a terminal may not be immediately addressed and each terminal experiencing the same failure must be individually managed.

Since Meyer et al. does not discuss or suggest “a first obtaining part which obtains configuration information, of hardware and software of terminals, sent from said terminals through said network, “a second obtaining part which obtains configuration information of hardware and software of a failed terminal which is associated with failure information which is sent from said failed terminal through said network, or, which obtains configuration information of hardware and software of said failed terminal by identifying the newest configuration information of hardware and software of said failed terminal which is stored in said storing part,” and “wherein the remote maintenance apparatus can simultaneously manage configuration information of hardware and software of a plurality of terminals,” as recited in amended claim 1, claim 1 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Claim 6 depends directly from claim 1, and includes all the features of claim 1, plus additional features that are not discussed or suggested by the reference relied upon. Therefore, claim 6 patentably distinguishes over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 102(e) rejections is respectfully requested.

As discussed above, Meyer et al. does not discuss or suggest “obtaining configuration information of hardware and software of terminals sent from said terminals through said network,” “further obtaining configuration information of hardware and software of a failed terminal which is associated with failure information which is sent from said failed terminal through said network, or further obtaining configuration information of hardware and software of said failed terminal by identifying the newest, stored configuration information of hardware and software of said failed terminal,” and “wherein the remote maintenance apparatus can

simultaneously manage configuration information of hardware and software of a plurality of terminals,” as recited in amended claim 14. Therefore, claim 14 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

As discussed above, Meyer et al. does not discuss or suggest “an obtaining part which obtains configuration information, of hardware and software of terminals, sent from said terminals through said network,” as recited in amended claim 2. Furthermore, it appears as though the Examiner has rejected independent claim 2 for the same reasons as the above discussed independent claims 1 and 14. However, it is respectfully submitted that the Examiner has failed to acknowledge that independent claim 2 contains recitations of elements that are not present in independent claims 1 and 14. Specifically, the Examiner has not pointed out any disclosure in Meyer et al., or any other reference, that discusses or suggests “a generation part which identifies terminals to which resources are distributed on the basis of said resources and configuration information of hardware and software stored in said storing part, and generates a list describing correspondence between said resources and said terminals to which said resources are distributed” and “a distribution part which distributes said resources described in said list to said terminals described in said list,” as recited in claim 2. Therefore, it is assumed that Meyer et al., alone or in combination, does not discuss or suggest all of the features of claim 2. Therefore, claim 2 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Claims 2-3 and 7 depend either directly or indirectly from claim 2, and include all the features of claim 2, plus additional features that are not discussed or suggested by the reference relied upon. Therefore, claims 2-3 and 7 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 102(e) rejections is respectfully requested.

As discussed above, Meyer et al. does not discuss or suggest “obtaining configuration information of hardware and software of terminals sent from said terminals through said network,” as recited in amended claim 15. Furthermore, it appears as though the Examiner has rejected independent claim 15 for the same reasons as the above discussed independent claims 1 and 14. However, it is respectfully submitted that the Examiner has failed to acknowledge that independent claim 15 contains recitations of elements that are not present in independent claims 1 and 14. Specifically, the Examiner has not pointed out any disclosure in Meyer et al., or any other reference, that discusses or suggests “identifying terminals to which resources are

distributed on the basis of said resources and configuration information of hardware and software stored in said storing part, and generating a list describing correspondence between said resources and said terminals to which said resources are distributed” and “distributing said resources described in said list to said terminals described in said list,” as recited in claim 15. Therefore, it is assumed that Meyer et al., alone or in combination, does not discuss or suggest all of the features of claim 15. Therefore, claim 15 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

As discussed above, Meyer et al. does not discuss or suggest “an obtaining part which obtains resources distributed from said remote maintenance apparatus through said network,” as recited in amended claim 11. Furthermore, it appears as though the Examiner has rejected independent claim 11 for the same reasons as the above discussed independent claims 1 and 14. However, it is respectfully submitted that the Examiner has failed to acknowledge that independent claim 11 contains recitations of elements that are not present in independent claims 1 and 14. Specifically, the Examiner has not pointed out any disclosure in Meyer et al., or any other reference, that discusses or suggests “a setting part which sets said resources in an application waiting state or in an immediate execution state” and “a control part which executes said resources when conditions for releasing said application waiting state are satisfied or when resources are set in said immediate execution state,” as recited in claim 11. Therefore, it is assumed that Meyer et al., alone or in combination, does not discuss or suggest all of the features of claim 11. Therefore, claim 11 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Claim 12 depends directly from claim 11, and includes all the features of claim 11, plus additional features that are not discussed or suggested by the reference relied upon. Therefore, claim 12 patentably distinguishes over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 102(e) rejections is respectfully requested.

As discussed above, Meyer et al. does not discuss or suggest “obtaining resources distributed from said remote maintenance apparatus through said network,” as recited in amended claim 17. Furthermore, it appears as though the Examiner has rejected independent claim 17 for the same reasons as the above discussed independent claims 1 and 14. However, it is respectfully submitted that the Examiner has failed to acknowledge that independent claim 17 contains recitations of elements that are not present in independent claims 1 and 14. Specifically, the Examiner has not pointed out any disclosure in Meyer et al., or any other reference, that discusses or suggests “setting said resources in an application waiting state or in

an immediate execution state” and “executing said resources when conditions for releasing said application waiting state are satisfied or when said resources are set in said immediate execution state,” as recited in claim 17. Therefore, it is assumed that Meyer et al., alone or in combination, does not discuss or suggest all of the features of claim 17. Therefore, claim 17 patentably distinguishes over the reference relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Claim 8 has been amended to incorporate the features of claim 10 (which was rejected under Meyer et al. in view of Peng). It appears as though the Examiner has rejected independent claim 8 for the same reasons as the above discussed independent claims 1 and 14. However, it is respectfully submitted that the Examiner has failed to acknowledge that independent claim 8 contains recitations of elements that are not present in independent claims 1 and 14. Specifically, the Examiner has not pointed out any disclosure in Meyer et al., or any other reference, that discusses or suggests “an input part which inputs user information,” “a collection part which collects apparatus information of said terminal and configuration information of hardware and software of said terminal when said input part inputs said user information,” and “a send part which sends said apparatus information and said configuration information of hardware and software, and said user information to said remote maintenance apparatus while maintaining correspondences of said apparatus information, said configuration information of hardware and software and said user information,” as recited in claim 8. Peng does not discuss or suggest any of these above mentioned features of amended claim 8 and, therefore, does not make up for the deficiency in Meyer et al. Therefore, it is submitted that Meyer et al., Peng, nor any combination thereof, discusses or suggests all of the features of amended claim 8. Therefore, claim 8 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Claim 13 depends directly from claim 8, and includes all the features of claim 8, plus additional features that are not discussed or suggested by the reference relied upon. Therefore, claim 13 patentably distinguishes over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 102(e) rejections is respectfully requested.

Claims 9 and 16 have been cancelled. Accordingly, withdrawal of these § 102(e) rejections is respectfully requested.

II. Rejections under 35 U.S.C. § 103

In the Office Action, at pages 4-5, numbered paragraphs 7-9, claims 4-5 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyer et al. in view of Peng (U.S.

Patent No. 6,816,944).

As discussed above, Meyer et al. does not discuss or suggest all of the features of claims 1 and 2. Claims 4 and 5 depend directly from claims 1 and 2, respectively, and include all the features of claims 1 and 2, respectively, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 4 and 5 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

Claim 10 has been cancelled. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

CONCLUSION

Claims 1-2, 8, 11, 14-15, and 17 have been amended. Claims 9-10 and 16 have been cancelled. Claims 1-8, 11-15, and 17 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

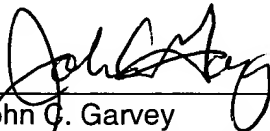
Respectfully submitted,

STAAS & HALSEY LLP

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10-10-06

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